

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
THE UNITED STATES ELECTED OFFICE (EO/US)**

Applicant: William F. AFTOORA      Docket No.: WFA-1400  
 Serial No: 10/049,876      Examiner: not assigned yet  
 Filed: February 12, 2002      Group Art Unit: not assigned yet  
 Title: FLAVORED SOLID-FORM FOOD PRODUCT AND METHOD OF  
 PREPARATION

**BOX PCT  
 COMMISSIONER FOR PATENTS  
 WASHINGTON, D.C. 20231**

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Lawrence A. Rabin  
 (type or print name of person signing paper)

Lawrence A. Rabin  
 (signature of person mailing paper)

6-7-02  
 (date)

**TRANSMITTAL SHEET**Enclosed is:

Transmittal Sheet with Certificate of Mailing and Authorization to Charge Deposit Account  
 Completion of Filing Requirements with Certificate of Mailing and Authorization to Charge  
 Deposit Account (4 pages - in duplicate)  
 Notification of Missing Requirements (2 pages)  
 Executed Declaration and Power of Attorney (2 pages) with Specification (36 pages) and  
 Preliminary Amendment (2 pages) Attached  
 Statement by Attorney that Papers Attached to Declaration are a copy of those filed in the  
 PTO to get a filing date (2 pages)  
 Information Disclosure Statement (2 pages)  
 PTO/SB/08A (2 pages)  
 Copies of Cited References (22 references)  
 Check in the Amount of \$65.00  
 Return Receipt Postcard

Authorization to Charge Deposit Account

In the event an additional fee is applicable to the filing of this document and the required fee is not enclosed, or the fee submitted is insufficient, the Commissioner is hereby authorized to charge any fees for WFA-1400 which might be required to effect the filing of this (these) document(s) to Account No. 18-0987. This authorization is being submitted in duplicate.

Respectfully submitted,

Joseph G. Curatolo  
 Joseph G. Curatolo, Esq. (Reg. No. 28,837)  
 Renner, Kenner, Greive, Bobak, Taylor & Weber  
 24500 Center Ridge Road, Suite 280  
 Westlake, OH 44145  
 Telephone: (440) 808-0011  
 Facsimile: (440) 808-0657  
 Attorney for Applicant

6-7-2002  
 Date

U.S. RE-1 00000053 0045570

\$5.00 TP

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Laura A. Rahn  
(type or print name of person signing paper)

*Laura A. Rahn*  
(signature of person mailing paper)

6-7-02  
(date)

**COMPLETION OF FILING REQUIREMENTS  
FOR INTERNATIONAL APPLICATION ENTERING UNITED STATES  
NATIONAL STAGE IN U.S. ELECTED OFFICE (EO/US) UNDER 35 U.S.C. §371**

- I. This replies to the Notification of Missing Requirements under 35 U.S.C. §371 and 37 C.F.R. §1.495 in the United States Designated/Elected Office (371 Formalities Notice) mailed May 8, 2002.

- ☒ A copy of the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (371 Formalities Notice) is enclosed. Please note that PART-2 of the Formalities Notice (Copy to be Returned With Response) was not received by Applicant. As such, Applicant is submitting a copy of PART-1 of the Formalities Notice (Attorney/Applicant Copy) with this reply.

**DECLARATION OR OATH**

- II. (a) ☒ No executed declaration or oath was filed. Enclosed is the original executed declaration or oath for this application.

**OR**

- (b) ☐ The declaration or oath which was filed was determined to be defective. A new original oath or declaration is attached.

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration.
- (d) ☒ Statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

#### AMENDMENT

- III. ☐ An amendment in accordance with 37 C.F.R. §1.121 is attached.
- ☐ The attached amendment cancels claims \_\_\_\_\_ inclusive.

#### TRANSMITTAL OF ENGLISH TRANSLATION OR NON-ENGLISH LANGUAGE PAPERS

- IV. ☐ Submitted herewith is an English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

#### SMALL ENTITY STATUS

- V. ☒ An assertion that this filing is by a small entity
- ☐ is attached.
- ☒ was filed on **February 12, 2002**.
- ☐ was made by paying the basic national fee as a small entity.
- ☐ is being made now by paying the basic national fee as a small entity.
- ☐ A separate refund request accompanies this paper.

## COMPLETION FEES

VI. (a) Fees for Claims

- ☐ each independent claim in excess of 3  
(37 C.F.R. §1.492(b))- \$84.00; small entity-\$42.00 \$ 0.00
- ☐ each claim in excess of 20  
(37 C.F.R. §1.492(c))- \$18.00; small entity-\$9.00 \$ 0.00
- ☐ multiple dependent claim(s)  
(37 C.F.R. §1.492(d)) - \$280.00; small entity - \$140.00 \$ 0.00

(b) Surcharge Fees

- ☒ surcharge set forth in 37 C.F.R. §1.492(e) for accepting the Declaration later than 30 months after the priority date in filing an application in the U.S. as a designated/elected office-\$130.00; small entity-\$65.00. \$ 65.00

- (c) processing fee set forth in 37 C.F.R. §1.492(f) for acceptance of an English translation later than 30 months after the priority date-\$130.00. \$ 0.00

Total completion fees: \$ 65.00

## EXTENSION OF TIME

VII.

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. §1.17(a)(1)-(4), for the total number of months checked below:

Extension months	Fee for other than small entity	For small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$ 1,440.00	\$ 720.00
<input type="checkbox"/> five months	\$ 1,960.00	\$ 980.00

Extension Fee: \$ 0.00

If an additional extension of time is required, please consider this a petition therefor.

Based on the extension requested in this petition, the extended period for response will expire on \_\_\_\_\_.

or

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

VIII. Total Fee Due


Attached is a check in the amount of \$ 65.00 .

IX. Fee deficiency

- ☒ If any additional extension and/or fee for Docket No. WFA-1400 is required, charge Deposit Account No. 18-0987.

A duplicate of this transmittal is attached.

Respectfully submitted,



Joseph G. Curatolo, Esq. (Reg. No. 28,837)  
Renner, Kenner, Greive, Bobak, Taylor & Weber  
24500 Center Ridge Road, Suite 280  
Westlake, Ohio 44145  
Telephone: (440) 808-0011  
Facsimile: (440) 808-0657  
Attorney for Applicant

June 7, 2002  
Date



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/049,876	William F. Aftora	WFA-1400

INTERNATIONAL APPLICATION NO.	
PCT/US00/22045	
I.A. FILING DATE	PRIORITY DATE
08/11/2000	

23575  
 JOSEPH G CURATOLO, ESQ.  
 RENNER KENNER GREIVE BOBAK TAYLOR & WEBER  
 24500 CENTER RIDGE ROAD, SUITE 280  
 WESTLAKE, OH 44145

CONFIRMATION NO. 6290

371 FORMALITIES LETTER



\*OC000000008032360\*

Date Mailed: 05/08/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination
- Small Entity Statement

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed

to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAYA L LEWIS BALTIMORE

Telephone: (703) 305-3695

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/049,876	PCT/US00/22045	WFA-1400

FORM PCT/DO/EO/905 (371 Formalities Notice)

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Laura A. Rubin  
(type or print name of person signing paper)

Laura A. Rubin  
(signature of person mailing paper)

6-7-02  
(date)

**STATEMENT BY ATTORNEY THAT PAPERS ATTACHED TO  
DECLARATION ARE A COPY OF THOSE FILED IN PTO  
TO GET A FILING DATE**

I,

Joseph G. Curatolo, Esq. (Registration No. 28,837)  
Renner, Kenner, Greive, Bobak, Taylor & Weber  
24500 Center Ridge Road, Suite 280  
Westlake, Ohio 44145  
Telephone: (440) 808-0011

state that I am the attorney for this application and that I have reviewed the

<u>1</u>	page of abstract
<u>27</u>	pages of specification
<u>8</u>	pages of claims
<u>0</u>	pages of drawings
<u>2</u>	pages of amendment

as shown in my files to be the papers I filed in respect to the above identified application and have compared them to the papers attached to the declaration of

William F. AFTOORA

for FLAVORED SOLID-FORM FOOD PRODUCT AND METHOD OF PREPARATION



which accompanies this statement and I declare that these papers attached to the declaration(s) are a copy of the specification and any amendment thereto which I filed in the PTO in order to obtain a filing date for this application by:

- ☐ depositing by hand at the PTO
- ☐ mailing to the PTO
- ☒ mailing to the PTO by Express Mail bearing Mailing Label Number EL722633560US on February 12, 2002.

*Spencer J. Cantile*  
Signature of Attorney

*June 7 2002*  
Date